

***TOWN OF NEWFIELDS BOARD OF SELECTMEN
MEETING MINUTES
TUESDAY, MARCH 31, 2009***

Present: Selectmen: Michael Woodworth, Wes Moore, and Rosanne Gilbert. Others present: Chief Reed, Lt. Gould, Dave Moody (Flynn's Oil), Tom Conner, Dylan Smith, Paul Hatch, Clay Mitchell, Jeff Hurlbert, Ara Constanda, Sue McKinnon, and Nancy Spencer.

Call to order: 6:30pm by Wes Moore

Wes and Michael viewed the damaged electrical equipment and the outdoor area in front of the Town Hall where the damage occurred. The outlets were encased in ice and shorted out. The replacements will be 3 feet high and placed in an area where they won't be buried by snow and ice.

The addition of a full-time police officer was discussed. The government would pay for three years of salary and benefits. The Town would be required to keep the officer for the fourth year and pay all of the associated costs.

Wes advised that per the Local Government Center, the Selectmen cannot commit to a contract of more than one year without approval from the voters. A Special Town Meeting would be required. The application for the grant must be submitted by April 14th. A motion was made to authorize Chief Reed to apply for the COPS Grant 2009. The motion passed with 2 in favor and Wes Moore against. The voters will have the final decision.

The Saturation Grant application was signed by Rosanne Gilbert.

Dave Moody of Flynn's Oil met with the Selectmen to discuss the overfilled oil tank at the Town Hall and the resulting damage. Dave apologized for the error and Flynn's Oil has made the necessary repairs or paid someone else to complete the repairs. The tanks, vents, and whistles are all working properly now. He will be personally responsible for the oil deliveries to the Town from this point forward and gave his 24 hour contact information to the Selectmen. Rosanne thanked Dave and Flynn's Oil for their manner of handling the situation.

The Public Hearing on the Hazardous Mitigation Plan took place. Michael asked if there was anything unusual in the Plan that the Selectmen should be aware of. The answer was no. The Plan should be reviewed after every "event" and can be updated as needed. It must be updated every five years. The Plan is required by FEMA in order to receive

federal funds. Rosanne thanked the Hazardous Mitigation Plan Committee for their hard work. It was noted that Dylan and Clay did most of the work on the Plan.

Wes made a motion to adopt the Hazardous Mitigation Plan as presented tonight. The motion was seconded by Rosanne. The motion passed with all in favor and the Certificate of Adoption was signed.

The resident of Halls Mill Road whose neighbors have complained about his shooting met with the Selectmen. Rosanne recused herself as she is a neighbor of the resident. The resident said he received word that some of his neighbors met with the Selectmen last week to complain about his target shooting. He wanted to present his side of the story. As they did last week, the Selectmen stated that a decision would not be rendered tonight but they would listen to him. He then explained the safety precautions that have been taken and that he only shoots on Saturdays. He provided photographs of the area being used. He feels that he is not violating any law.

The Selectmen have discussed this matter with attorney Michael DiCroce (prosecutor for the Town). There are no Criminal Code Violations and a copy of his letter is attached. The Civil Code is to be reviewed and may take several weeks. Selectman Wes Moore will look for an attorney to review the Planning and Zoning Ordinance as the Town Counsel recused himself.

A discussion took place on the manner of eliminating the Town's Criminal Noise Ordinance as it is unenforceable. Chief Reed will draft a sample and it will be discussed at three Selectmen's meetings.

Bobbie Byrne, a longtime resident of Newfields, died last month. As she was a driving force in obtaining conservation land in Newfields, the Selectmen would like to dedicate a parcel of conservation land to her. Rosanne will bring this proposal to the Conservation Commission.

Main Street Art was briefly discussed. The Selectmen need a signed document from the Planning Board approving the change of use at the old post office building and the restrictions on the change of use and the site plan approval.

Checks were signed.

Six Abatements were reviewed. Three were approved and the other three were denied based on information provided by the assessor.

The Department Of Revenue MS-2 was signed.

A Certification of Yield Taxes Assessed was signed along with a Timber Tax Levy.

Dave Mason and Alison Watts were re-appointed to the Conservation Commission. Eugene Perreault was re-appointed as the Health Officer. Catherine Nelson Smith and

Jared N. Rumford, Sr. were re-appointed to the Zoning Board of Adjustment, and Ray P. Buxton, Jr. was re-appointed at Assistant Fire Chief.

Ray Buxton will be asked to provide an estimate to replace two broken windows at the old post office building.

Clay Mitchell updated the Selectmen via a written report –

1. the anemometer is back humming away at the Waste Water Treatment Plant
2. the Vienneau Subdivision was approved and the Planning Board is working on the approval package to prevent future confusion in terms of the development, bonding and maintenance
3. the Impact Fee Methodology for School Facilities was approved and is now in place – the Selectmen need a copy of this along with the amount of the fee
4. the Capital Improvement Plan is in place

Clay also apologized for his role in not getting the Warrant to the Town Meeting to clarify the number of members on the Planning Board.

Correspondence from Comcast was reviewed.

Bill and Dottie Dawson sent copies of thank you notes to the Selectmen. Thanks were given to Roger Conner, Ray Buxton, and Sue McKinnon.

A copy of a Notice of Violation from the New Hampshire Department of Environmental Services was reviewed. The violation was issued to Newfields Village Water and Sewer.

Primex is offering various programs in April. Chief Reed will attend the program on parades and Gene Perreault will be asked to attend the program on EEE/WNV.

Correspondence from the Community Development Finance Authority was reviewed.

The Special Permit Application for Mosquito Control was approved by the State.

Moving the marquee that is currently in front of the Town Hall was tabled. A determination needs to be made as to whether or not the supporting posts need to be replaced.

Pricing was received on recycling bins. Nancy was asked to obtain pricing for 50 bins and 75 bins.

The landscaping of Town owned grounds has been put out to bid. Bids are due April 14th. Michael volunteered to show interested parties the areas to be mowed.

Jed Rumford advises that there is quite a bit of damage from the December 2008 ice storm at the Locust Grove Cemetery. He asked if the Road Agent would take care of the

clean up or if the Cemetery Trustees should take care of it. The Selectmen agreed that this is the responsibilities of the Cemetery Trustees.

Michael made a motion to accept the minutes of the March 3rd, 2009 meeting as written. Rosanne seconded the motion and the motion passed with all in favor.

No meetings were held on March 10th – Election Day and on March 17th - no quorum.

Rosanne made a motion to accept the minutes of the March 24th, 2009 meeting as amended. Michael seconded the motion and the motion passed with all in favor.

The Board discussed the chairmanship of the Board. It was decided that Michael Woodworth will be chairman this year.

At 9:45pm Rosanne made a motion to adjourn the meeting. The motion was seconded by Michael and passed with all in favor.

Respectfully submitted,

Nancy J. Spencer
Administrative Assistant

attachment

**DI CROCE PROSECUTION SERVICES
FREMONT, NEW HAMPSHIRE 03044
1-603-365-6147**

Selectmen Town of Newfields
P.O. Box 55
Newfields, New Hampshire 03856-0055

Re: Town Noise Ordinance

Dear Selectmen:

I have reviewed the facts concerning the complaints about gun shooting in the Town of Newfields. I understand that several residents have filed complaints with the Police Department for the noise of the gunshots causing a disturbance of the peace.

I have also reviewed the New Hampshire Statute, RSA 644:2, for noise violations and the Town of Newfields Noise Ordinance. Based on the facts presented, the New Hampshire Statute has not been violated. The shooting took place after noon and before 6:00 p.m. The shooting lasted for no more than at the most, two hours. Given these facts, this activity would not disturb a person of average sensibilities and was not done with a purpose to annoy, alarm, cause a breach of the peace or public inconvenience.

The Newfields Town Ordinance is not enforceable. There is no standard to judge what would constitute a violation of the ordinance. Under the current language of the ordinance, anything anyone does which makes noise and someone complains is a violation of the ordinance. The ordinance also restricts the Constitutionally protected freedom of speech.

I will be glad to discuss this issue further if the need arises. Please feel free to contact me if I can be of further assistance.

Sincerely,


Michael Di Croce
Prosecuting Attorney